IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 17079 of 2007(G)

PETITIONER:

SOMINI RAJ,
RAJ BHAVAN, PUNTHALATHAZHAM,
KILIKOLLOOR P.O., KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:

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1. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

2. DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM DISTRICT, KOLLAM.

3. SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION, KOLLAM.

BY G.P. SRI. S.U. NAZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO. 17079 OF 2007-G

Dated this the 15th day of June, 2007

JUDGMENT

The petitioner is the mother of one Sudheer Raj. Sudheer Raj met with an accident and succumbed to the injuries. The said Sudheer Raj had a wife by name `Rita'. That marriage ended in divorce. After the death of Sudheer Raj, when the petitioner returned to her house, she allegedly found that the household articles were all missing. She complained that certain other persons had taken away all the articles in the house.

2. She approached the learned Magistrate with a private complaint. That complaint was referred to the police under Sec.156(3) of the Cr.P.C. A crime was registered. The petitioner has come to this Court with a grievance that no proper investigation is being conducted into the said crime.

3. The learned Public Prosecutor was directed to take

instructions. The learned Public Prosecutor submits that the investigation reveals a totally different story. According to the police, the investigation reveals that the petitioner, who is the mother of the deceased Sudheer Raj, had actually eloped with one Manoharan and has been residing separately. Sudheer Raj was leading an indifferent life and it is the conclusion of the police that the said Sudheer Raj had sold all household articles and consumed the proceeds for his own purpose. Investigation is almost complete. It is very likely that a negative final report shall be filed in the matter. In these circumstances, no further directions are necessary, submits the learned Public Prosecutor.

4. I have considered all the relevant inputs. I do not want to express any opinion on the acceptability of the conclusion of the police at this stage. Needless to say, the police will have to file final report. If negative, it will have to be considered by the learned Magistrate before accepting or rejecting it. Unnecessary to reiterate, the petitioner shall certainly be given notice by the police before such refer report is filed and before it is considered by the learned Magistrate. The petitioner can raise her objections at the appropriate stage before the learned

Magistrate. No directions under Art.226 of the Constitution does appear to be necessary.

5. In the result, this writ petition is dismissed with the above observations.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge